

RECORD OF COMMUNICATION

☐ PHONE CALL ☐ DISCUSSION ☐ FIELD TRIP ☐ CONFERENCE
☐ OTHER (SPECIFY)

(Record of item checked above)

FROM:

6-4606
A-2-2

DATE

TIME

SUBJECT

SUMMARY OF COMMUNICATION

~~Storage~~ Storage

Store

CONCLUSIONS, ACTION TAKEN OR REQUIRED

NV



ADDITIONAL INFORMATION COPIES

NO:

W/ Barbara 1/17/83 2:00 pm

jar - 6 field memorandum so far

required 2 people in field at all times - mapping, at detailed scale bec of new info (folds down to B thicker sand in east)

• well #1 TAB - betw 5 & 17

• coring program preparation - better son techniques (start along eastern side)

K asked DOHS for 2 extensions - 2 wk mapping
- 3-4 wk overall
- delay of start week

photos - wrong scale (1 x 500" as oppose
1 x 200")
Barbara wants (1 x 200" on 1 piece)

To: Bill

1/17/83

Fr: Fred K

Re: BKK liquid disposal - Peter Rogers' letter
of 1/5/83

Rogers' letter responds to BKK's letter of 12/1/82 and states that the Interim Status Document (ISS) allows them to continue their practice of landfilling bulk liquids. The ISS document closely mirrors the 265 requirements.

Because of my past review of the BKK facility, I think there is a likelihood the facility does not meet the 265 criteria. I would suggest that DOH document its decision that BKK is in compliance.

Following are the areas where the BKK operation is possibly in conflict w/ 265.

265.314 (a) (i) The landfill has a liner which is chemically and physically resistant to the added liquid ...
of leachate

• lateral movement of BKK is prevented

by clay dams and grout curtains. As noted on page 19 of the RCRA Guidance Document for Landfill Design, ^(attached) "Clays may exhibit high permeability when exposed to concentrated organics, especially organics of high or low pH." Since the liquids disposed of at BKE include acids and bases and organics (see attached Table 31) it appears possible the clay dams would be exposed to incompatible liquids and therefore the liner may not be chemically resistant.

o The regulation also requires a physically resistant barrier. To prevent vertical movement BKE relies on bedrock. Portions of this bedrock are fractured (DEIS p. 24). In 1972 a leak developed around the original clay dam. Subsequently a second dam and grout curtain were placed with consideration given ^{to} the depth of the fractures. Nevertheless, we can reasonably question whether the bedrock (and dams) meet the requirement

of a physically resistant barrier.

- 265.314 (a)(2) a facility not meeting (a)(1) has the option of complying with (a)(2):

Before disposal, the liquid waste or waste containing free liquids is treated or stabilized, ..., so that free liquids are no longer present.

BKK disposes of its hazardous liquids into domestic garbage. They presume the garbage absorbs ^{all} the liquids. However, the regulations state the liquid waste must be stabilized ~~before~~ before disposal, not after. Therefore even if the garbage is able to permanently absorb all the liquids (a questionable presumption), they still don't meet the reqmt. of eliminating free liquids before disposal.

- 265.312 This regulation was not addressed in either the BKK or DON letters. It is relevant, however,:

- Except as provided ... (exceptions not relevant) ignitable or reactive waste must not be placed in a landfill, unless the waste is treated, rendered, or mixed before or immediately after placement in the landfill so that:

- (1) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under § 261.21 or 261.23 ...

BKE disposes of both ignitable and reactive liquid wastes. It would be difficult to determine if these wastes remained ignitable or reactive after mixture with the garbage.

When BKE was injecting liquids into the landfill, cyanide wastes did react (apparently with acids) and generated toxic gases.

[I don't recall when I read this]

Regardless of ~~of~~ the difficulty in making a physical determination, EPA's intent ~~with~~ in writing the regulations is clear: (see underlined portions of the 7/24/82 Preamble)

t--Special
otable or reactive
'81). In response to a
y 19, 1980
raph has been added
the land treatment
ve wastes if they
onditions leading to
This clause provides
the owner or
/ does not think,
gnition, or
an be prevented
treatment unit

10. Landfills—Special requirements for liquid wastes (Section 265.314). The standards adopted in § 264.314 concerning the acceptance of bulk liquids in landfills are slightly different from the interim status requirements promulgated May 19, 1980. The language has been changed to specify that bulk liquids can be placed in landfills only when the facility is equipped with a liner system (and must also have a collection system) that meets the requirements of the regulations (§ 264.302(a)). The same change is also being made to the interim status requirements (§ 265.314). The new language replaces the May 19, 1980 requirement that a facility receiving bulk liquids have a liner system which is chemically and physically resistant to the liquid and a functioning leachate

2. *Background.* On May 19, 1980, EPA promulgated certain general regulations under Parts 264 and 122 applicable to

BKK is currently landfilling many wastes
that appear to be reactive or ignitable. (See Table
31)
If allowed to continue they should at
least have to document with testing
that they meet the reqmts. of 265.312

DRAFT

RCRA GUIDANCE DOCUMENT

LANDFILL DESIGN

LINER SYSTEMS AND FINAL COVER

[TO BE USED WITH RCRA REGULATIONS
SECTIONS 264.301(a) AND 264.310(a)]

ISSUED: 7/ /82

ate materials from damage due to contact with grading
ment and materials, sharp materials in the soil, etc.
adding material need not be a separate layer as natural
or the leachate detection, collection, and removal
m materials will often meet the necessary criteria.

Chemical testing is prudent because liners are degraded
rtain species which may be present in the waste. Because
s and liner chemical characteristics are almost infinitely
ble, it is difficult to generalize concerning incompati-
ty. The Agency therefore prefers test data as the preferable
to demonstrate the compatibility of waste and liner materials
recognizes that historical data (e.g., results elsewhere
similar wastes) or theoretical chemistry may provide
icient information in some cases. Data currently available
PA indicate that the following combinations of waste types
liner materials are often incompatible:

- (a) Chlorinated solvents tend to dissolve polyvinyl
chloride (PVC).
- (b) Chlorosulfonated polyethylene can be dissolved by
aromatic hydrocarbons
- (c) Clays may exhibit high permeability when exposed to
concentrated organics, especially organics of high and
low pH
- (d) Asphaltic materials may dissolve in oily wastes
- (e) Concrete and lime based materials are dissolved by
acids

TABLE 31

LIQUID WASTE DISPOSED
(QUANTITIES IN TONNAGE)

	<u>DURING MONTH</u> <u>MAY 1981</u>	<u>CUMULATIVE</u> <u>YEAR 1981</u> (5 mon)
01 Acid Sludge	34.72	166.27
02 Acid Solution	8,457.85	33,584.92
03 Adhesive	53.28	165.93
04 Alkaline Sludge	534.79	930.37
05 Alkaline Solution	4,695.56	22,028.20
07 Alum Sludge	93.28	222.63
08 A.P.I. Generator Sludge	140.48	310.11
14 Bilge Water	53.01	98.72
17 Catalyst	33.96	1,448.45
18 Chemicals, unused	14.80	47.00
22 Cyanides	325.80	1,475.32
23 Detergent	31.96	620.63
24 Distillation Bottoms	21.13	235.13
25 Drilling Mud	1,445.23	11,158.38
26 Drugs	0	17.98
27 FCC Waste	8.64	18.67
28 Filter Cake	0	146.16
— 32 Gasoline & Water	136.87	633.28
33 Glaze Sludge	0	1.00
— 34 Glue	32.75	39.70
36 Heavy Metal Solution	317.23	1,083.82
37 Heavy Metal Sludge	56.08	161.88
38 Ink and Solvent	78.33	329.22
40 Ink Waste Water	60.59	195.83
41 Laboratory Chemicals	8.99	114.21
42 Lime Sludge	536.67	1,777.99
43 Machine Tool Coolant	191.71	1,470.66
44 Machining Waste	20.18	1,299.15
46 Oil	146.30	732.85
47 Oil Sludge	627.33	1,637.47
48 Oil and Water	5,517.81	15,789.17

TABLE 31 (CONTINUED)

Paint Sludge	544.73	1,352.83
Pesticides	20.93	140.15
Pesticide Rinse Water	0	121.32
Phenolic Waste	2.85	37.09
Photoprocessing Waste	46.97	159.86
Plating Sludge	68.99	457.08
Plating Solution, Acid	315.55	3,041.64
Plating Solution, Alkaline	52.93	248.45
Resin Water	148.80	595.13
Scrubber Sludge	3.72	5.22
Scrubber Solution	36.11	104.39
Soap	204.87	1,063.65
Solvent, Chlorinated	124.00	500.00
Solvent, Hydrocarbon	72.18	429.54
Solvent Oxygenated	5.15	149.34
Solvent, Mixed	2,062.87	10,616.93
Spill Clean-up	41.13	410.06
Stretford Solution	134.82	701.36
Sulfide Sludge	0	21.70
Sump or Lagoon Sediment	3,596.88	9,280.05
Tank Bottom Sediment	1,528.26	7,253.22
Tanning Sludge	0	5.84
Waste Water Treatment Sludge	662.01	2,304.76
Chemical Toilet Wastes	1.61	68.49
Mud & Water	5.25	1,176.97
Other Liquids	8.84	513.09
TOTALS	33,361.70	138,717.08

Region IX
215 Fremont St.
San Francisco, CA. 94105

CAD067786749

APR 27 1983

Mr. John L. Oskins
2209 Paseo Tepic
West Covina CA 91791

Dear Mr. Oskins:

I have been asked to respond to your letter to the President of the United States dated April 4, 1983 concerning the BKK hazardous waste disposal site. Your concerns are being addressed in a number of ways and I will outline for you EPA's involvement.

EPA has delegated much of the federal hazardous waste program to the State Department of Health Services (DOHS) and EPA retains responsibility for certain aspects. The primary function not yet delegated to the State is the issuance of permits for land disposal facilities such as BKK.

EPA has requested an extensive permit application from BKK which must be submitted this August and which must demonstrate compliance with 40 CFR 264 (copy attached). As part of the permit issuance process, the potential for ground and surface water contamination will be fully explored and any necessary additional monitoring will be imposed.

The Coalition of West Covina Homeowners' Associations will be advised when the permit has been drafted via a public notice process. In the interim we have asked the DOHS and the State Water Resources Control Board (SWRCB) to insure that all presently applicable ground water monitoring requirements are being met.

Also, in the course of issuance of a land disposal permit BKK's procedures for analyzing the incoming waste will be reviewed and upgraded if necessary. However, in response to your second point, I must point out that certain materials being disposed at BKK definitely meet the federal definition of "hazardous waste."

With respect to ambient air monitoring, your first point, the situation is somewhat different. EPA is conducting studies on a national basis in an attempt to determine whether there are toxic air emissions from hazardous waste landfills which present a significant risk and warrant regulation. Currently, EPA regulations do not contain specific standards for air emissions from landfills, nor do they require ambient monitoring.

As a result of the studies currently underway at EPA, such regulations may emerge in the future. As you are probably aware, DOHS, the State Air Resources Board, and the South Coast Air Quality Management District are monitoring the ambient air adjacent to the BKK landfill.

Your suggestion for an expanded perimeter of monitoring stations can be relayed to Dr. Norman Gravitz (415-540-2669) with DOHS.

Please do not hesitate to contact Phil Bobel, Chief of our Toxics and Waste Programs Branch, to discuss details of the BKK situation.

Sincerely yours,

Original Signed by:

John J. Zemaitis
Director
Office of Public Affairs

Enclosure

Bobel:es - 4/27/83

File Code: _____

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Director
Office of Public Affairs

Enclosure

Bobel:es - 4/27/83

File Code: _____

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

2C MJK
DLI

DATE: August 26, 1983

SUBJECT: Bulk Liquid Disposal Violations at BKK Landfill

FROM: Karen Schwinn
Compliance Officer, T-2-1

TO: File

On August 25, 1983, EPA Region 9 issued notice to the California Department of Health Services under Section 3008(a)(2) of RCRA that BKK was in violation of their Interim Status Document. One of the significant violations cited was with respect to bulk liquid disposal. The requirement which is equivalent to 40 CFR 265.314(a), is found in ISD Section X.4.:

4. Liquid Waste.

- (a) Bulk or non-containerized liquid waste or waste containing free liquids shall not be placed in the landfill, unless:
 - (1) The landfill liner is chemically and physically resistant to the added liquid, and the leachate collection and removal system functions and has a capacity sufficient to remove all leachate produced; or
 - (2) Before disposal, the liquid waste or waste containing free liquids is treated or stabilized, chemically or physically (e.g., by mixing with an absorbent solid), so that free liquids are no longer present.

A joint EPA-State inspection conducted June 8-9, 1983 confirmed that liquid waste is neither stabilized nor treated prior to disposal in the landfill. Thus, 4(a)(1) above must be met; both a liner and a leachate collection and removal system must be present.

The leachate collection and removal system consists of two hydraulic barriers; each with two upgradient extraction wells and several monitoring wells up- and downgradient at varying depths. The liner is reportedly bedrock. Neither the leachate collection system nor the liner has been demonstrated to meet the ISD requirements. Evidence of this violation is as follows:

- (1) Analysis of water in wells below barrier No. 1 indicates abnormally high values of Chemical Oxygen Demand and specific conductance indicative of

leachate contamination (see attached data provided by BKK).

- (2) BKK's Part B permit application submitted to EPA on August 1, 1983 included a chapter on site hydrogeology prepared by LeRoy Crandall & Associates. The following statement is included in the Crandall report:

"They (changes in electrical conductivity and COD) indicate that some leachate is migrating around or beneath the Barrier, probably via the joint and fracture system in the Puente Formation rocks."

- (3) No justification for the barrier locations has been submitted to EPA. Leachate collection is not conducted on the south side of the facility and the topography (drainage) indicates that the potential for leachate here should be examined. It has not been.
- (4) Although the Crandall report was based on existing information, it indicates fracturing of bedrock to depths significantly lower than originally believed by state agencies (80' instead of 30'). This increases the likelihood that leachate could migrate vertically as well as horizontally, move away from the disposal area and not be intercepted by either of the two barriers. This may also mean that the existing wells are not deep enough to adequately monitor or extract all leachate in the barrier area.
- (5) The extraction wells are not pumped with sufficient frequency. A 40' - 50' head has been allowed to accumulate in the wells upgradient of the barriers. It is suspected that this contributes to leachate migration beyond the barriers.

October 21, 1983

Richard P. Wilcoxon
Chief, Division of Toxic Substances Control
California Department of Health Services
1219 K Street, 3rd Floor
Sacramento, CA 95014

Dear Mr. Wilcoxon:

As you know, on August 25, 1983, EPA issued a Notice of Violation to the State pursuant to Section 3008 of the Resource Conservation and Recovery Act with respect to the BKK Landfill in West Covina. Among the violations noted by EPA is one which may significantly affect satisfactory operation of the facility; namely, deficiencies in the leachate collection system. This violation is of particular significance for bulk liquid disposal at BKK since the disposal of liquids may increase leachate.

At our meeting on September 14, 1983, I presented our analysis of the situation and suggested that it would be prudent for the State to take the precautionary measure of discontinuing shipments of large volumes of liquid wastes from Superfund sites to BKK until such time that compliance at BKK could be assured. At the time, the only such shipments of bulk liquids were coming from the Stringfellow site. Although the Stringfellow wastes contain very low levels of contamination, we were concerned about the effect of the continued placement of the large volumes of Stringfellow liquids in the BKK landfill.

On September 23 and 26, 1983, the State took action requiring correction of the leachate collection system at BKK. On October 3, 1983, the State's contractor at the Stringfellow site diverted the hauling of Stringfellow liquids to another Class I landfill.

CONCURRENCES							
SYMBOL	T-4						
SURNAME	KAT						
DATE	10-21-83						

EPA is conducting a fast track feasibility study to choose a more cost effective alternative for the Stringfellow liquids. A final report is expected in January of 1984. At the same time, the State is working with BKK to return the facility to full compliance. In the interim, since the Stringfellow liquids are already being hauled to another Class I landfill, and since the status of BKK compliance with RCRA is still being resolved, I strongly recommend that the State continue to ship the Stringfellow liquids to a Class I landfill other than BKK.

Sincerely yours,

Original Signed By:

Harry Seraydarian
Director, Toxics and Waste
Management Division

Enclosures



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

215 Fremont Street
San Francisco, Ca. 94105

October 21, 1983

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California Department of Health Services
1219 K Street, 3rd Floor
Sacramento, CA 95014

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Sincerely yours,

A handwritten signature in cursive script, reading "Harry Seraydarian".

Harry Seraydarian
Director, Toxics and Waste
Management Division

Enclosures

2c MJE
DL1

21 NOV 1983 - Hand-carried by Bobel

Richard Wilcoxon
Chief, Division of Toxic Substances Control
California Department of Health Services
1219 K Street, 3rd Floor
Sacramento, CA 95014

Dear Mr. Wilcoxon:

The purpose of this letter is to clarify EPA's August 25, 1983 3008 Notice with respect to the bulk liquid requirement for BKK's West Covina landfill. The pertinent requirement is No. X 4(a) of Interim Status Document (ISD) No. CAD067786749. This requirement is based upon an almost identical requirement contained in Federal Regulations.

The EPA 3008 Notice found a violation of the bulk liquid provision based upon the following:

1. Condition No. X 4(a)(1) was not met as evidenced by the August 1, 1983 Part B submittal by BKK. The Crandall report (a portion of the submittal) concludes that the high COD and specific conductance values occurring immediately downgradient of the barrier indicate that leachate moved beyond the barrier. EPA therefore concluded that the leachate system did not collect and remove all leachate.
2. Condition No. X 4(a)(1) was not met in that liquid waste was not treated or stabilized so that free liquids were no longer present before disposal. Municipal solid waste is not sufficiently uniform to insure adequate and lasting absorption; nor is it accomplished before disposal.

I hope that this rationale clarifies EPA's 3008 Notice. Should further clarification be needed, please have your staff contact Karen Schwinn of my staff.

Sincerely,

cc: Joe Johnson, BKK
Mike Miller, West Covina
Nester Acedera, DOHS-LA
BKK Corporation
bc: Barbara Walsh, OTSA

Original Signed By:

Harry Seraydarian

CONCURRENCES

Hazardous Waste Management Division

SYMBOL							
SURNAME							
DATE							

T-1
11/15/83



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

215 Fremont Street

San Francisco, Ca. 94105

21 NOV 1983

Richard Wilcoxon
Chief, Division of Toxic Substances Control
California Department of Health Services
1219 K Street, 3rd Floor
Sacramento, CA 95014

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2. Condition No. X 4(a)(2) was not met in that liquid waste was not treated or stabilized so that free liquids were no longer present before disposal. Municipal solid waste is not sufficiently uniform to insure adequate and lasting absorption; nor is it accomplished before disposal.

I hope that this rationale clarifies EPA's 3008 Notice. Should further clarification be needed, please have your staff contact Karen Schwinn of my staff.

Sincerely,

A handwritten signature in dark ink, appearing to read "Harry Seraydarian".

Harry Seraydarian
Director

Hazardous Waste Management Division

HF 2c

TRIP REPORT - 8/26/83
(also see EPA Notice letter - 8/25/83)

SUBJECT: BKK Landfill - RCRA Compliance
FROM: Karen Schwinn, Compliance Officer (T-2-1)
TO: Files

Purpose

- Hand-carry EPA's 3008 Notice letter, dated 8/25/83, of violations found at BKK during EPA's June 8-9 inspection
- Discuss possible options for correcting violations

Summary, Conclusions, Recommendations, or Action Items

- Bobel explained EPA's finding of violations
- Hinton proposed possible enforcement action, including demonstration of adequate leachate collection & removal system in 6 months or cease acceptance of bulk liquids
- Discussion of options to improve leachate collection in short term
- No consensus reached on ground water monitoring violations
- DOHS will draft enforcement action. We will meet again 9/2/83 to review

Place and Date

8/26/83 10:00-12:30
State Office Building, Los Angeles

Attendees

EPA -- Phil Bobel, Laura Yoshii, Karen Schwinn
DOHS-LA -- John Hinton, Carl Nelson, Nestor Acedera
DOHS-SACTO -- Marsha Croninger, Elger Stevens, Mike Kiado
RWQCB -- Ray Hertel, Hank Yacoub

U.S. ENVIRONMENTAL PROTECTION AGENCY
215 FREMONT STREET
SAN FRANCISCO, CA 94105

CERTIFIED MAIL NO. P216990327
RETURN RECEIPT REQUESTED

29 DEC 1983

Refer to: Docket No. 9-84-RCRA-0012
EPA ID CAD067786749

Mr. Kenneth B. Kazarian
BKK Corporation
2550 - 237th Street
Torrance, CA 90510

Subject: Determination of Violation, Compliance Order and
Notice of Right to Request a Hearing

Dear Mr. Kazarian:

Enclosed please find a Determination of Violation, Compliance Order and Notice of Right to Request a Hearing concerning violations of the Resource Conservation and Recovery Act (RCRA), as amended, 42 USC 6901 et seq.

The Notice of Right to Request a Hearing and the Rules of Practices, 40 CFR Part 22, set forth the alternatives available to you in responding to the alleged facts, violations, and penalty. It should be emphasized that, if you wish to request a hearing and avoid being found in default, you must file a written Answer within thirty (30) days of your receipt of the enclosed documents.

Whether or not you choose to request a hearing, you are encouraged to explore the possibility of settlement by contacting John D. Rothman, U. S. Environmental Protection Agency, Region 9, Office of Regional Counsel, 215 Fremont Street, San Francisco, California 94105, telephone number (415) 974-7453.

CONCURRENCES

SYMBOL	ORC	T-2-1	T-2-1	T-2	T-1			
SURNAME	Rothman	Sch	Blais	Probst	St			
DATE	12/29/83	12/29/83	12/29/83	12/29/83	12/29/83			

-2-

Please note that Exhibit C, the Interim Status Document issued by DOHS to you on December 22, 1980, a copy of which you no doubt have in your files, is not enclosed. It will be sent to you shortly.

Sincerely yours,

Original Signed by:

Harry Seraydarian
Director
Toxics and Waste Management Division

Enclosures

cc: California Department of Health Services
State Water Resources Control Board

bc: Regional Hearing Clerk
WH-527
Bill Wilson (T-2-2)

CONCURRENCES

SYMBOL							
SURNAME							
DATE							

20 12/29/83
AHS

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 9

In the Matter of:)	Docket 09-84-0012
)	
)	DETERMINATION OF VIOLATION
BKK CORPORATION)	COMPLIANCE ORDER
)	AND
)	NOTICE OF RIGHT TO
Respondent.)	REQUEST A HEARING

DETERMINATION OF VIOLATION

A. INTRODUCTION:

1. This is a civil administrative action instituted by the Director, Toxics and Waste Management Division (Director), United States Environmental Protection Agency, Region 9 (EPA), pursuant to Section 3008 of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. § 6928, and the Consolidated Rules of Practices Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. Part 22. Respondent is BKK Corporation (BKK), EPA ID Number CAD067786749.
2. Respondent, a California corporation, is a person as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15); 40 C.F.R. §§ 260.10 and 122.3; and Section 25118 of the California Health and

Safety Code. Respondent owns and operates a facility for the treatment, storage, or disposal of hazardous wastes (the BKK Facility) at 2210 South Azusa Avenue, West Covina, CA 91792.

3. On June 8 and 9, 1983, EPA and the California Department of Health Services (DOHS) jointly conducted an inspection of the BKK facility. A copy of said inspection report is attached hereto as Exhibit A and incorporated herein by reference. The inspection found violations of various hazardous waste requirements.

4. Based on EPA's inspection of June 8 and 9, 1983, at the BKK facility and the Part B RCRA permit application, dated August 1, 1983, submitted by BKK to EPA, EPA finds that Respondent is in violation of requirements of Chapter 6.5 of Division 20 of the California Health and Safety Code and Subtitle C of RCRA, 42 U.S.C. § 6921 et seq.

5. By letter dated August 25, 1983, EPA gave notice to DOHS of hazardous waste violations at BKK, as required by Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2). A copy of said letter is attached hereto as Exhibit B and incorporated herein by reference.

B. JURISDICTION:

6. Federal regulations providing standards for owners and operators of hazardous waste treatment, storage, and disposal facilities became effective on November 19, 1980 [40 C.F.R. Part 265].

7. On or about November 19, 1980, BKK filed a Part A RCRA permit application with EPA and thereby: 1) received interim status under Section 3005(e) of RCRA, 42 U.S.C. §6925(e) and

2) subjected itself to interim status standards found at 40 C.F.R. Part 265.

8. Thereafter, on December 22, 1980, DOHS imposed interim operating conditions on the BKK facility by means of an Interim Status Document (ISD) issued pursuant to California Health and Safety Code Section 25200.5. A copy of said ISD is attached hereto as Exhibit C and incorporated herein by reference.

9. On June 4, 1981, EPA awarded to the State of California Phase I interim authorization to administer the RCRA hazardous waste program [46 Fed. Reg. 29935 (1981)]. Phase I authorization requires, inter alia, that the State of California impose interim status standards as required under RCRA Section 3005(e), 42 U.S.C. § 6925(e).

10. In addition to the conditions set forth in its ISD, BKK is subject, under California Health and Safety Code Section 25159.6, to certain federal regulations. Section 25159.6 of the California Health and Safety Code provides, in pertinent part, that

[u]ntil such time as the department [i.e. DOHS] adopts standards and regulations corresponding to and equivalent to, or more stringent than, regulations adopted by the United States Environmental Protection Agency pursuant to [RCRA]... [a]ny person who owns or operates a hazardous waste facility shall comply with this chapter and regulations adopted thereunder and, in addition... such person shall also comply with federal regulations adopted pursuant to Sections 3004 and 3005 of that act [i.e. RCRA]. (emphasis added)

11. The State of California, as of the date of this action, has not adopted standards or regulations corresponding to or equivalent to, or more stringent than, EPA regulations. 40 C.F.R. Part 265 was promulgated by EPA pursuant to RCRA § 3004, 42 U.S.C. § 9624. As a result, BKK is subject to 40

C.F.R. Part 265, through Section 25159.6 of the California Health and Safety Code.

12. Section 3008 of RCRA, 42 U.S.C. § 6928, authorizes the Administrator of EPA to issue orders requiring compliance immediately or within a specified time with any requirement of Subtitle C of RCRA, 42 U.S.C § 6921 et seq.

13. Section 3006 of RCRA, 42 U.S.C. § 6926, provides, inter alia, that authorized state hazardous waste programs are carried out under Subtitle C of RCRA. Therefore, violation of any requirement of law under an authorized state hazardous waste program is a violation of a requirement of Subtitle C of RCRA.

14. BKK, by violating requirements of the California's authorized hazardous waste program has violated Subtitle C of RCRA and therefore is subject to the powers vested in the Administrator, EPA, by Section 3008 of RCRA, 42 U.S.C. § 6928.

C. VIOLATIONS:

Count I-A
(Groundwater Monitoring - ISD violations)

15. Section V of the Facility's ISD requires Respondent to implement a ground water monitoring program capable of determining the facility's impact on the uppermost aquifer near the facility, and to install, maintain and operate a ground water monitoring system.

16. On or about June 8 and 9, 1983, EPA and the DOHS jointly inspected the BKK facility. The inspection found that the Respondent had an inadequate ground water monitoring program in that: 1) BKK had not implemented a ground water monitoring system capable of yielding ground water samples which are

representative of background ground water quality in the uppermost aquifer near the facility (ISD V.1.a); 2) BKK had an inadequate number of monitoring wells to properly monitor the site (ISD V.1.a); 3) BKK had failed to analyze for all required parameters (ISD V.2.b); 4) BKK had failed to obtain replicate measurements (ISD V.2.c); and 5) BKK had failed to complete an outline of a ground water quality assessment program (ISD V.3).

17. During said inspection, BKK submitted to the EPA inspector a document which BKK claimed orally was a ground water monitoring waiver demonstration. Subsequently, EPA reviewed the purported waiver demonstration and by letter dated August 25, 1983, notified DOHS that the purported waiver demonstration was inadequate.

18. As a result of the facts alleged above, Respondent is in violation of ISD Section V. Said facts also constitute a violation of California Health and Safety Code Section 25159.6 as alleged in Count I-B infra.

Count I-B
(Groundwater Monitoring - § 25159.6 violations)

19. 40 C.F.R. § 265.90 et seq., as incorporated by California Health and Safety Code Section 25159.6, requires Respondent to implement, within one year after the effective date of the regulation, a ground water monitoring program capable of determining the facility's impact on the uppermost aquifer underlying the facility, and to install, maintain and operate a ground water monitoring system.

20. 40 C.F.R. §265.90(c) provides, inter alia, that

[a]ll or part of the ground-water monitoring requirements of this subpart may be waived if the owner or operator can demonstrate that there is a low potential for migration of hazardous waste or hazardous waste constituents from the facility via the uppermost aquifer to water supply wells (domestic, industrial, or agricultural) or to surface water.

21. On or about June 8 and 9, 1983, EPA and the DOHS jointly inspected the Facility. The inspection found that the Respondent had an inadequate ground water monitoring program in that: 1) BKK had not implemented a ground water monitoring system capable of yielding ground water samples which are representative of background ground water quality in the uppermost aquifer underlying the facility [40 C.F.R. § 265.91(a)(1)(i)]; 2) BKK had an inadequate number of monitoring wells to properly monitor the site [40 C.F.R. § 265.91(a)]; 3) BKK had failed to analyze for all required parameters [40 C.F.R. § 265.92(b)]; 4) BKK had failed to obtain replicate measurements [40 C.F.R. § 265.92(c)]; and 5) BKK had failed to complete an outline of a ground water quality assessment program [40 C.F.R. § 265.93].

22. At the time of said inspection, BKK submitted to the EPA inspector a document which BKK claimed orally was a ground water monitoring waiver demonstration pursuant to 40 CFR § 265.90. EPA reviewed the purported waiver demonstration and by letter dated August 25, 1983, notified DOHS that the purported waiver demonstration was inadequate.

22. As a result of the facts alleged above, Respondent is in violation of Section 25159.6 of the California Health and Safety Code. Said facts also constitute a violation of

ISD Section V as alleged in Count I-A supra.

Count II-A
(Liquid Waste Disposal, ISD Violations)

24. Section X.4.a of the Facility's ISD requires, inter alia, that:

[b]ulk or non-containerized liquid waste or waste containing free liquids shall not be placed in the landfill, unless: (1) The landfill liner is chemically and physically resistant to the added liquid, and the leachate collection and removal system functions and has a capacity sufficient to remove all leachate produced; or (2) Before disposal, the liquid waste or waste containing free liquids is treated or stabilized, chemically or physically (e.g., by mixing with an absorbent solid), so that free liquids are no longer present.

25. On or about June 8 and 9, 1983, EPA and DOHS jointly inspected the Facility. The inspection found that Respondent failed to treat or stabilize liquid waste prior to disposal so that free liquids were no longer present.

26. On or about August 1, 1983, the Respondent submitted a Part B permit application to the United States Environmental Protection Agency. The Part B permit application contains, inter alia, the following statement:

"They [changes in electrical conductivity and chemical oxygen demand of water samples from the monitoring and extraction wells near Barrier No. 1] indicate that some leachate is migrating around or beneath the Barrier, probably via the joint and fracture system in the Puente Formation rocks. Pumping of the extraction wells M-7 and 8 is effective in creating a pumping depression at the axis at the Barrier, but not entirely effective in preventing migration beyond and beneath the gravel collector. The grout curtain is similarly not completely effective, probably because of its limited length and depth." ["Hydrogeologic Conditions and Ground Water Monitoring at the BKK Landfill (Appendix F)," pages 35-37]

27. The Part B permit application reports analyses of water in wells below Barrier No. 1 (Figure 20-23 in Appendix F). These

analyses indicate abnormally high values for chemical oxygen demand and specific conductance, which indicate leachate contamination beyond the barriers.

28. As a result of the facts alleged above, Respondent is in violation of ISD Section X.4. Said facts also constitute a violation of California Health and Safety Code Section 25159.6 as alleged in Count II-B infra.

Count II-B
(Liquid Waste Disposal - § 25159.6 violations)

29. Paragraphs 25 through 27 of Count II-A are hereby incorporated by this reference as if the same were set forth herein in their entirety.

30. 40 C.F.R. §265.314, as incorporated by California Health and Safety Code Section 25159.6 requires that

[b]ulk or non-containerized liquid waste or waste containing free liquids must not be placed in a landfill, unless: (1) The landfill has a liner which is chemically and physically resistant to the added liquid, and a functioning leachate collection and removal system with a capacity sufficient to remove all leachate produced; or (2) Before disposal, the liquid waste or waste containing free liquids is treated or stabilized, chemically or physically (e.g., by mixing with an absorbent solid), so that free liquids are no longer present.

31. As a result of the facts alleged above, Respondent is in violation of Section 25159.6 of the California Health and Safety Code. Said violations also constitute a violation of ISD Section X.4 as alleged in Count II-A supra.

Count III-A
(Ignitable or Reactive Wastes, ISD violations)

32. Section X.6 of the Facility's ISD requires that

[i]gnitable and reactive waste shall not be placed in the landfill, unless the waste is treated, rendered, or mixed

before or immediately after placement in the landfill so that the resulting waste, mixture, or dissolution of material is no longer ignitable or reactive and Item 7(b), Part III of this document is complied with.

33. On or about June 8 and 9, 1983, EPA and DOHS jointly inspected the Facility. The inspection found that: 1) Respondent accepted ignitable or reactive waste; and 2) Respondent failed to treat, render, or mix ignitable or reactive waste before or immediately after placement in the landfill so that the resulting waste, mixture, or dissolution of material is no longer ignitable or reactive.

34. As a result of the facts alleged above, Respondent is in violation of ISD Section X.6. Said facts also constitute a violation of California Health and Safety Code Section 25159.6 as alleged in Count III-B infra.

Count III-B
(Ignitable or Reactive Wastes - § 25159.6 violations)

35. 40 C.F.R. § 265.312, as incorporated by California Health and Safety Code Section 25159.6, requires that

...ignitable or reactive waste must not be placed in a landfill, unless the waste is treated, rendered, or mixed before or immediately after placement in the landfill so that: (1) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste... and 2) Section 265.17(b) is complied with

36. On or about June 8 and 9, 1983, EPA and DOHS jointly inspected the Facility. The inspection found that: 1) Respondent accepted ignitable or reactive waste; and 2) Respondent failed to treat, render, or mix ignitable or reactive waste before or immediately after placement in the landfill so that the resulting waste, mixture, or dissolution of material is no longer ignitable or reactive.

37. As a result of the facts alleged above, Respondent is in violation of California Health and Safety Code Section 25159.6. Said facts also constitute a violation of ISD Section X.6 as alleged in Count III-A supra.

D. CIVIL PENALTY:

38. Section 3008(g) of RCRA, 42 U.S.C. § 6928(g), authorizes a civil penalty of up to \$25,000 per day for each violation of RCRA, Subtitle C, 42 U.S.C. 6921 et seq. EPA hereby assesses the following penalties:

Count I-A and/or Count I-B.....\$23,750.00
(Failure to implement an adequate ground water monitoring program)

Count II-A and/or Count II-B.....\$25,000.00
(Failure to comply with bulk liquid disposal requirements)

Count III-A and/or Count III-B.....\$23,750.00
(Failure to comply with ignitable and reactive waste disposal requirements)

TOTAL PENALTY.....\$72,500.00

The penalties assessed for Counts I-A, I-B, III-A, and III-B herein will be cancelled if Respondent has complied fully as of June 1, 1984, with all obligations and requirements contained in its agreement with DOHS dated December 20, 1983.

COMPLIANCE ORDER

A. PAYMENT OF CIVIL PENALTY:

1. It is hereby ordered that Respondent shall submit a certified or cashier's check in the sum of \$72,500.00 (subject to adjustment as discussed in Paragraph 38, Determination of Violation, supra) payable to, "Treasurer of the United States". The check shall be remitted to the Regional Hearing Clerk, U.S. EPA, Region 9, 215 Fremont Street, San Francisco, CA 94105 within 30 days of the effective date of this Order or June 15, 1984, whichever date is later.

B. COMPLIANCE:

2. Respondent is ordered to come into compliance with the ISD and California Health and Safety Code Section 25159.6 and to document said compliance to the Director, within the times specified below. (Compliance dates specified below are intended to be consistent with the agreement between Respondent and DOHS dated December 20, 1983.)

Compliance Required

Consecutive Calendar
Days To Achieve
Compliance After
Receipt of Order
by BKK

A. ISD Section V; 40 C.F.R. §265.90 et seq.

i. Implement ground water monitoring system to comply with ISD Section V and 40 C.F.R. § 265.90 et seq.

100 days from receipt of Order

ii. Implement ground water monitoring assessment program to comply with ISD Section V.3.d(2-3) and 40 C.F.R. §265.93. Plan must determine the nature, extent and rate of ground water contamination downgradient of Barriers 1 and 2.

120 days from receipt of Order

B. ISD Sections X.4; 40 C.F.R.
§ 265.314.

- i. Limit disposal of bulk or non-containerized liquids (hazardous and non-hazardous) at the facility in accordance with the following schedule:

1.a. no more than 32,000 tons per month (app. 20 percent reduction)

30 days from receipt of Order

b. no more than 24,000 tons per month (app. 40 percent reduction)

60 days from receipt of Order

c. no liquids

120 days from receipt of Order

2. The above schedule shall not apply if: a) BKK is fully in compliance with ISD Section X.4 and 40 C.F.R. §265.314(a); and b) BKK has reported to EPA the measures taken to achieve compliance and evidence to support the fact of compliance.

- ii. Document to EPA that run-on controls are adequate to prevent rain water from running onto the landfill.

90 days from receipt of Order

- iii. Collect and remove all run-off and manage run-off as a hazardous waste until the run-off is tested and documented to EPA not to be a hazardous waste. Dispose of non-hazardous run-off in other than the landfill or unlined impoundments at the BKK facility. Hazardous run-off disposed at the facility shall not be counted in the allowable monthly weight of liquids referred to in subparagraphs (i) and (ii) herein.

90 days from receipt of Order

C. ISD Section X.6; 40 C.F.R. § 265.312.

Comply with ignitable and reactive liquids requirements contained in ISD Section X.6 and 40 C.F.R. §265.312.

Comply immediately

3. The documentation of compliance required by this Order shall be submitted within the time periods specified above to Chief, Toxics and Waste Programs Branch, Toxics and Waste Management Division, U.S. Environmental Protection Agency, 215 Fremont Street, San Francisco, California 94105 with copies to John Rothman, Office of Regional Counsel, U.S. Environmental Protection Agency, 215 Fremont Street, San Francisco, California 94105 and Gil Jensen, Enforcement Coordinator, Toxics Substances Control Division, Department of Health Services, 714 P Street, Sacramento, California 95814.

4. In the event Respondent fails to comply with any provision of this Order, then, in accordance with Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), Respondent shall be liable for a civil penalty, in addition to the penalty set forth in the Civil Penalty section of the Determination of Violation herein, of not more than twenty-five thousand dollars (\$25,000.00) for each day of continued noncompliance.

NOTICE OF RIGHT TO REQUEST A HEARING

A. PUBLIC HEARING:

In accordance with Section 3008(b) of RCRA, 42 U.S.C. § 6928(b), the Compliance Order set forth herein shall become final unless Respondent files an Answer and request for public hearing in writing no later than thirty days after service of this Complaint, with the Regional Hearing Clerk, EPA, Region 9, 215 Fremont Street, San Francisco, California 94105. A copy of the Answer and request for hearing and copies of all other documents relating to these proceedings must be filed with the Regional Hearing Clerk and copies should be sent to John Rothman, Office of Regional Counsel, at the same address as above.

The Answer must clearly and directly admit, deny or explain each of the factual allegations contained in the Complaint with regard to which you have any knowledge. Failure to admit, deny or explain any material factual allegation will constitute an admission of the allegation. The Answer must also state: 1) the circumstances or arguments which constitute the grounds of defense; and 2) the facts which you intend to place at issue.

If you fail to file a written Answer within thirty days of your receipt of the Complaint, you may be found in default. Respondent's default will constitute an admission of all facts alleged in the Complaint and a waiver of your right to a hearing. A default order may thereafter be issued by the Regional Administrator, EPA, Region 9, and the penalty proposed in the Complaint will become due and payable without further proceedings.

The public hearing that you request will be held in a location determined in accordance with the provisions of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR Part 22 (45 Fed. Reg. 24360), a copy of which accompanies the Determination of Violation and Compliance Order. The hearing will be conducted in accordance with the provisions of the Administrative Procedures Act, 5 USC 552 et seq., and 40 CFR Part 22.

B. INFORMAL SETTLEMENT:

Whether or not you request a hearing, you may confer informally with EPA to discuss the alleged facts, violations or amount of the penalty. An informal conference does not, however, affect your obligation to file a written Answer within thirty days of your receipt of the Determination of Violation and Compliance Order. The informal conference procedure may be pursued simultaneously with the adjudicatory hearing procedure.

Any settlement reached as a result of an informal conference will, in addition to the compliance schedule set forth in the Order above, be embodied in a written Consent Agreement and Order. The issuance of the Consent Agreement and Order will constitute a waiver of your right to a hearing on any matter to which you have stipulated.

If a settlement cannot be reached through an informal conference, the filing of a written Answer within thirty days of service of the Complaint upon you will preserve your right to a hearing.

EPA encourages all parties against whom a penalty is ordered to explore the possibility of settlement. To request an informal settlement conference, you should contact John Rothman, EPA, Region 9, Office of Regional Counsel, 215 Fremont Street, San Francisco, CA 94105, telephone number (415) 974-7453.

12/29/83
Date

Harry Seraydarian
Harry Seraydarian

Director
Toxics and Waste Management Division

CERTIFICATION OF SERVICE

I hereby certify that the original of the foregoing Complaint and Notice of Opportunity for Hearing, Docket No. 9-84-RCRA-0012, was filed with the Regional Hearing Clerk, Region 9, and that a copy was sent certified mail, return receipt requested, to:

Mr. Kenneth K. Kazarian
BKK Corporation
2550 - 237th Street
Torrance, CA 90510

Date

Dec. 29, 1983

Elaine Schimmel
Toxics and Waste Management Division
Region 9

BKK Notification Script

The purpose of this phone call is to inform you of EPA's recent civil administrative enforcement action against the BKK Corporation. Today EPA is sending a compliance order to BKK for violations of hazardous waste management regulations at the BKK Landfill in West Covina.

EPA is taking this action in close coordination with the State Department of Health Services. In conjunction with the EPA compliance order, DOHS is modifying BKK's Interim Status Document to include requirements parallel to those in EPA's compliance order.

Within 30 days from receipt of the order, BKK must file a written answer with EPA and request a hearing. The answer must admit, deny, or explain each of the allegations in the complaint. If BKK does not answer within 30 days, the compliance order becomes final and BKK forfeits their right to a hearing. BKK is also encouraged to meet with EPA for an informal settlement conference to discuss the alleged facts, violations, or penalty.

OPTIONAL (only if interested):

The major violations cited in EPA's order are failure to implement an adequate ground water monitoring system, failure to comply with the bulk liquid disposal provisions, and failure to comply with the ignitable/reactive waste disposal provisions. To correct these violations, BKK is being ordered to:

- 1) implement an adequate ground water monitoring system within 100 days
- 2) assess extent of contamination downgradient of the hydraulic barriers
- 3) reduce monthly liquid disposal rates by 20% in 30 days and 40% in 60 days
- 4) within 120 days, demonstrate compliance with the bulk liquid disposal provisions, or cease disposal of bulk liquids in the landfill
- 5) implement run-on and run-off controls within 90 days

BKK and DOHS have also signed an agreement on December 20 which requires additional studies at the site to thoroughly characterize the geology and hydrology of the site, implement measures to control leachate leakage, clean up contamination downgradient of the hydraulic barriers, and determine the need for further study. These activities will proceed under the direct guidance of DOHS and with oversight by EPA.

12/30/83

NOTIFICATION LIST ON FEDERAL ENFORCEMENT ACTION AT BKK

- Harry 1. LOCALS - City of West Covina [Ken Chappell, Mayor (213) 962-8631]
[Chet Shearer, Councilman (213) 620-3170]
[Michael Miller, Community Service Director (213) 962-8631] *sent copy 1/4/84*
- LA County Dept of Health [Charles Coffee (213) 974-7868]
- LA County Board of Supervisors [Michael Antonovich, 5th District (213) 974-5555]
[Peter Schabarum, 1st District (213) 974-1011]
- LA County Sanitation District (Walter Garrison, Chief Engineer and General Manager (213) 699-7411]
- Harry 2. STATE - ~~DOHS Sacramento [Moskowitz (914) 322-]~~ *not necessary*
- sent copies 1/3/83* { *DOHS-LA [Bellomo (213) 620-2380] ✓ 12/30 8:30
SWRCB (Onorato, Campos) ✓ called Fred Lercari 12/30 9:00 - not in till 1/3/84
*RWOCB-LA (Chirueli) ✓ called Hank Yacoub 8:45 12/30 ✓ called back 1:30 1/3/84
*AG's office (Fried) (213) 736-2304 ✓ 12/30
- Zemsky 3. CONGRESS - Estaban Torres (D.C. and West Covina offices)
Pete Wilson
Alan Cranston
Chaffee
- Zemsky 4. STATE ASSEMBLY - Sally Tanner
- Zemsky 5. STATE SENATOR - Joseph Montoya
- Harry 6. EPA HQ - OSW [Skinner 8-382-4627]
- Harry OWPE [Lucero 8-382-4814] *requested teletype (Elaine)*
- Wyatt OGC (Barnes)
7. EPA 9 - Water [Covington 4-8115]
Air [Howekamp 4-8201]
OES [Mowday 4-8377] *announced at senior staff*
- Harry 8. BKK - [Kazarian (213) 539-7150]
[Johnson (213) 539-7150]